

**Supreme Court**  
No. 05-140-M.P.  
No. 05-141-M.P.  
No. 05-142-M.P.  
No. 05-143-M.P.

Jeffrey Derderian and Michael Derderian :

v. :

Patricia Belanger, executrix of the Estate of :  
Dina DiMaio, for the benefit of Justin Perry :  
DiMaio :

Jeffrey Derderian and Michael Derderian :

v. :

Jacqueline Jacavone :

Jeffrey Derderian and Michael Derderian :

v. :

Barbara Magness :

Jeffrey Derderian and Michael Derderian :

v. :

Evelyn King :

**ORDER**

The above entitled petitions for certiorari have been presented to the Duty Justice along with motions for stay in each petition seeking to stay proceedings in the Workers’

Compensation Court pending the determination by this Court concerning whether it will issue the writ of certiorari. These petitions seek to review a pre-trial order by a judge of the Workers' Compensation Court holding that Jeffrey Derderian and Michael Derderian are personally responsible for workers' injuries and deaths arising from a fire in a building in the Town of West Warwick wherein a business was operated by Derco, LLC. It is further alleged that the Derderians were officers of the LLC (as opposed to a corporation) and consequently not personally responsible for the employees' injuries and or deaths pursuant to the terms of the statute G. L. RI Section 28-36-15.

After discussing the issues raised by the petitions and motions for stay with counsel for the employees and their representatives and with counsel for Jeffrey and Michael Derderian, the Duty Justice enters the following Order:

1. These four (4) petitions for certiorari are hereby consolidated.
2. Counsel for the Derderian brothers may file a supplemental memorandum within five (5) days of the date of this Order. Thereafter counsel for the employees and their representatives may file one (1) consolidated memorandum within nine (9) days of the filing of petitioners' memorandum.
3. These consolidated petitions will be placed on the conference calendar for *May 31, 2005*.
4. Meanwhile proceedings in the Workers' Compensation Court may proceed as scheduled, and the judge or judges of the Workers' Compensation Court may hold hearings in respect to the contempt of Derco, LLC and in respect to allegations of contempt on the part of Jeffrey Derderian and Michael Derderian, provided however that in the event that the Derderians are found in contempt any order in respect to the execution of penalties therefore will be stayed pending consideration by this Court of the petition for certiorari.
5. Meanwhile voluntary payments which have been made on behalf of Derco, LLC will be continued in the amount that has been previously paid up to the month of May, 2005. It is noted that

these payments will not be considered an adequate response to the liability of Derco, LLC.

6. Neither Derco, LLC nor the Derderian brothers will during the pendency of this petition alienate funds or assets or expend any funds or assets save in the ordinary course of business. Expenditures in the ordinary course of business will include the payment of counsel fees.

Entered as an Order of this Court this *12<sup>th</sup>* day of *May 2005*.

By Order,

s/s

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Clerk